

**JOSHUA MILLER**

1 testified as follows:

2 DIRECT EXAMINATION

3 BY MR. SEATON:

4 Q. Tell the ladies and gentlemen of the jury your  
5 name, sir.

6 A. Joshua Miller.

7 Q. And, Mr. Miller, did you previously work for  
8 Campbell County Sheriff's Department?

9 A. Yes, I did.

10 Q. And where do you work now?

11 A. I work at LMU.

12 Q. Okay. What do you do?

13 A. I work in distribution.

14 Q. Okay. So looking at this Exhibit Number 56, is  
15 this you in the far right corner?

16 A. Yes.

17 Q. On the bottom?

18 A. Yes, sir.

19 Q. And you were a corrections officer for Campbell  
20 County; right?

21 A. Yes, sir.

22 Q. You'd been there what? Two months? Three  
23 months?

24 A. Like right at a month.

25 Q. Okay. And you had come from Claiborne County?

1 A. Yes.

2 Q. And you -- you worked Claiborne County  
3 corrections for what? Two weeks?

4 A. Yeah.

5 Q. And did you have any training there?

6 A. No.

7 Q. All right, sir. So when you got to Campbell  
8 County, did you know any of these individuals that you  
9 were involved with that evening?

10 A. When I first started?

11 Q. Yes.

12 A. No.

13 Q. Or did you -- did you know them as you began  
14 working with them?

15 A. Yes.

16 Q. All right, sir. I thought that you had said  
17 that you didn't know Crabtree and had never met Brown;  
18 is that right?

19 A. Before working there, I had never met any of  
20 them. But I did know -- I never had met Crabtree  
21 before, but I knew Brown, who was the corporal on my  
22 shift.

23 Q. Okay. And so tell us just real briefly what  
24 you recall happened that evening.

25 A. I just remember getting a call over the radio

1 that there would be a combative person coming into the  
2 intake and that I would be needed up front. I was in  
3 male housing. And whenever I got to the front to the  
4 sally port door, I went to open it, and that's where I  
5 was met with Crabtree and Mr. Ling and everyone else  
6 that was already up in the front.

7 And I recall them bringing him into the --  
8 Dakota and Brown bringing him in and was on each side of  
9 him. And I was standing behind of him. And all I  
10 recall was Brown saying that they would have to take him  
11 to the ground because he wasn't listening to anything  
12 they were saying, so they put him on his back. And I  
13 was told to hold one of his legs until he calmed down.  
14 And I was just doing that.

15 And I -- I recall Crabtree coming back into the  
16 trap and just hammer fisting him in the face three times  
17 and then just continued to hold one leg while we tried  
18 to keep him still. And Brown had told Crabtree to  
19 leave. And after a little bit had went by, I remember  
20 we were told by Brown to -- me and Standridge -- to take  
21 him into the shower and try to let him rinse off.

22 And after he had calmed down and when we was in  
23 there, Standridge had taken -- he had a spit mask on  
24 him, and he had took the spit mask off of him. And I  
25 remember Brown saying that he didn't want him to have

1 the spit mask off, so he was trying to put another one  
2 back on him. And that was -- that was when the  
3 altercation with Dakota and all of that happened in the  
4 shower. And they finally got him out of the shower and  
5 just put him in the cell.

6 And after that, I went back to male housing and  
7 stayed the rest of the night.

8 Q. All right. Let -- let me back you up quite a  
9 few steps.

10 A. Okay.

11 Q. Were you in the sally port when Justin Crabtree  
12 took Nathan Ling out of the patrol car?

13 A. No, sir.

14 Q. Okay. Were you in the sally port when Justin  
15 Crabtree slammed his face up against the -- the block  
16 wall?

17 A. No, I did -- me -- like, he did push him into  
18 the door whenever I tried to open the door. He had,  
19 like, slammed him into the door, and it shut back. And  
20 I had to push the door back open.

21 Q. All right. So the first encounter you had was  
22 once you were in the trap room or the search room?

23 A. Yes.

24 Q. Is that right?

25 A. Yeah.

1 Q. All right. And we have seen the video  
2 and -- and seen you, you know, involved in that.

3 When -- the first time that you saw Nathan  
4 Ling, was he resistive?

5 A. He was. Yes, he was.

6 Q. I thought you told me that -- when I took your  
7 deposition that he was not resistive. You didn't think  
8 he was combative, and he was squirming in the floor?

9 A. Initially, the -- initially, when he came into  
10 the trap, he was. But once he was -- once we were in  
11 the trap, he just was standing there. And they kept  
12 telling him to do something, and he wasn't doing it.  
13 And that's when they took him to the floor.

14 Q. Well -- but did you tell me that he was --  
15 he -- you didn't think he was being combative in the  
16 trap room?

17 A. No, I -- I don't believe he was.

18 Q. Okay. And you said that he was squirming in  
19 the floor trying to survive?

20 A. I -- I do not recall saying that, but I do  
21 recall him just kind of squirming. He wasn't really --  
22 seemed like he was trying to attack anyone, which he  
23 probably couldn't due to him still being handcuffed and  
24 on his back. But he was just kind of kicking his legs  
25 around, and I was just told to hold a leg until he

1     calmed down.

2     Q.           All right.  And that's all you did was hold a  
3     leg; right?

4     A.           Yes.

5     Q.           You never hit him?

6     A.           No.

7     Q.           All right, sir.  And after all of this  
8     occurred, what was his condition?

9     A.           From what I observed, it was pretty poor.  
10    Like, he -- I just remember them putting him into the  
11    cell, and he just stayed in the floor until we backed  
12    out of the cell.

13               And then I -- after that, I -- I think I went  
14    up to booking one time during the night and -- just to  
15    look in, to check on him, and he was just still laying  
16    in the floor.  And I'd asked Brown about it, and he  
17    didn't really have much to say.

18    Q.           Did anybody suggest that he get medical  
19    treatment?

20    A.           I'm not 100 percent sure.

21    Q.           You said that as you put him into the neg cell  
22    or the -- or the solitary cell, he was just mumbling and  
23    kind of groaned the whole time?

24    A.           Yeah.

25    Q.           Could he make any complete sentences, or do you

1 recall?

2 A. I don't really recall. I don't think he did  
3 make any full sentences.

4 Q. And you think that -- you said that he was  
5 scared, swollen, and had peed on himself?

6 A. Yes. That next morning when I went to leave, I  
7 had stopped by because the nurse had finally come in,  
8 and I was seeing how he was doing. And that's what she  
9 said had occurred and how he appeared that morning.

10 Q. And that morning you said that it was clear  
11 that it -- that he had been brutally beaten?

12 A. Yes.

13 Q. All right. You said that a day or so later  
14 that Sean Brown and -- and Justin Crabtree were gloating  
15 about the incident?

16 A. Yes, sir.

17 Q. In what way? Tell us.

18 A. It was kind of like -- I -- I don't really know  
19 how to put it. It wasn't -- it wasn't like they were  
20 just up and proud about it, but they were just kind of  
21 like -- I know that there had been words saying that  
22 someone had taken a picture of him and was, like,  
23 showing it around and was like -- kind of like, oh,  
24 well, look what -- look what happened and look what we  
25 did, and this and that. That's all that I really recall



1 about it.

2 Q. Well, you said that you -- you didn't feel  
3 right about this whole situation and being involved in  
4 it; right?

5 A. Yeah.

6 Q. And so what did you do about that?

7 A. I remember I'd spoken to the day shift  
8 corporal, but it wasn't much of a conversation due to it  
9 being shift change, and she didn't really know anything  
10 about what had happened.

11 Q. Did you approach your sergeant, Catie Wilson?

12 A. I believe I did. I can't -- I don't really  
13 recall, though.

14 Q. And do you recall -- well, let's look at this  
15 Exhibit 56.

16 Sean Brown was your immediate supervisor;  
17 right?

18 A. Yes.

19 Q. And you were reporting to Catie Wilson about  
20 the whole event because you'd already tried to talk with  
21 Sean Brown?

22 A. I don't think I did talk to Sean much about it  
23 just because of the way he was acting about the whole  
24 situation. I didn't feel like it was -- I felt like it  
25 had to go a little bit further 'cause I wouldn't have

1 gotten anywhere with him.

2 Q. So you -- you went -- you went up the chain of  
3 command to -- to Sergeant Catie Wilson; right?

4 A. Yeah.

5 Q. And do you recall approaching her about the  
6 incident?

7 A. I vaguely do remember going and talking to her  
8 in her office about it, but I'm not 100 percent sure.  
9 And I don't really remember what was said.

10 Q. Okay. Let me show you on page 40 of your  
11 deposition, on line 15 -- Joseph, if you'd pull that  
12 down. She's going to change the app here.

13 I asked you this question. I said, "What did  
14 you say to Catie Wilson" -- "Sergeant Catie Wilson?"

15 And you said, "I just said that there was a bad  
16 incident, and I was just" -- "didn't know what to do or  
17 say anything about it. I was like" -- "It was just a  
18 lot had happened, and I didn't necessarily agree with it  
19 and didn't know how to talk to her about it.

20 "And she just" -- "She was like, well, I'll  
21 talk to you a little bit later about it, and she was  
22 like" -- "and then just kind of walked out of her office  
23 'cause that's when the new corporal came in.

24 "And the nurse were [sic] in there checking on  
25 him. And so I just walked out of the office, and I went

1 over to the cell to see how he was doing and to ask the  
2 nurse like" -- "like how he was, and he seemed very  
3 scared of anyone as of the nurse" -- "anyone. And he  
4 was, I mean, swelled up. He peed on himself when he was  
5 laying in the floor and not making full sentences."

6 So you had approached Catie Wilson; right?

7 A. Yeah.

8 Q. All right. Does that refresh your memory?

9 A. Yes, it does.

10 Q. All right, sir. And I asked you on page 41,  
11 "What time was that?

12 "A little after 7:00.

13 "Okay. And so" -- "So Sergeant Catie Wilson,  
14 she just said, 'I'll take care of it?'"

15 That was my question. "And so Catie Wilson,  
16 she just said, 'I'll take care of it?'"

17 And your answer was, "She just said that she  
18 would talk to me later about it."

19 And then your answer was, "And I never heard  
20 from her, never talked to her. She had" -- "she was" --  
21 "she" -- "we had never" -- "I don't" -- "she will say  
22 that she never" -- "that she had something against me,  
23 but I feel she was the main reason why I left Campbell  
24 County to begin with. Like, we was" -- "We never saw  
25 eye to eye with anyone, it seemed."

1 Right?

2 A. Yeah.

3 Q. So is that the reason that you left there?

4 A. Mainly that and then just a lot of overtime and  
5 just wanted to be closer to home.

6 Q. Let me just switch -- switch gears with you for  
7 just a second.

8 And do you remember after all of this occurred  
9 and you were asked to do an incident report; correct?

10 A. Yes.

11 Q. And who asked you to do that?

12 A. Brown.

13 Q. Okay. And did he tell you how he wanted you to  
14 do it?

15 A. To an extent, yes.

16 Q. All right. And then after you did it, did he  
17 call you back and say I want you to come back and change  
18 the report?

19 A. I do recall that, yeah.

20 Q. All right, sir. And did you think that was  
21 appropriate?

22 A. No.

23 Q. All right. I asked you a little bit about just  
24 the violence in the corrections department. And what  
25 did you tell me about that? Do you recall?

1 A. I do recall that they -- I brought up there  
2 being a few officers who kind of seemed like they looked  
3 forward to having altercations with inmates.

4 Q. And who was that?

5 A. One was Brown, and I cannot remember the other  
6 guy's name.

7 Q. Was it Mr. Fox?

8 A. Yes.

9 Q. All right. And did you tell me that they had  
10 made a game of using force to where they -- if they  
11 didn't use -- or if they used force at least once a  
12 week, then they congratulated each other or some -- did  
13 some sort of --

14 A. Yes.

15 Q. What did they do? I don't want to put words in  
16 your mouth.

17 A. I just remember that they would say that they  
18 would have to get themselves a treat or something, and  
19 that was all --

20 Q. Okay.

21 A. -- honestly.

22 Q. So how long after this Ling incident happened  
23 did you leave Campbell County?

24 A. I had -- I believe it was two years, two and a  
25 half years.

1 Q. You stayed there for two and a half years?

2 A. Yes.

3 Q. Okay. And so now you've left law enforcement  
4 altogether?

5 A. Yes.

6 Q. All right, sir. Thank you so much. Answer any  
7 questions Mr. Knight has.

8 CROSS-EXAMINATION

9 BY MR. KNIGHT:

10 Q. Good afternoon, Mr. Miller.

11 You started out at the Claiborne County  
12 Sheriff's Department; correct?

13 A. Yes.

14 Q. And as a corrections officer?

15 A. Yes, sir.

16 Q. And that's closer to your home?

17 A. Yes.

18 Q. Where do you live?

19 A. Cumberland Gap --

20 Q. And --

21 A. -- Tennessee.

22 Q. -- is that in Claiborne County?

23 A. Yes.

24 Q. And I think you said you stayed there a couple  
25 of weeks?

1 A. Yes.

2 Q. And then you left and went to Campbell County  
3 and stayed for two and a half years?

4 A. Yes.

5 Q. And then after that, you went back to Claiborne  
6 County, didn't you?

7 A. Yes.

8 Q. In their sheriff's department?

9 A. Yeah, doing corrections.

10 Q. And how long did you stay that stint?

11 A. I would -- I believe it was less than a year.

12 Q. And now you're working distribution at LMU,  
13 which is in Harrogate in Claiborne County?

14 A. Yes.

15 Q. Where is the -- where -- where is the Claiborne  
16 County jail?

17 A. It's in New Tazewell.

18 Q. New Tazewell?

19 A. Yes.

20 Q. I think you told me previously that the  
21 training -- the -- any training you got, you got at  
22 Campbell County; correct?

23 A. Yes.

24 Q. And Campbell County ensured that you were TCI  
25 certified; correct?

1 A. Yes.

2 Q. And trained you how to book individuals, log,  
3 check?

4 A. Yes.

5 Q. You could recognize when somebody needed  
6 medical care, couldn't you?

7 A. Yes.

8 Q. And that's from your training at Campbell  
9 County; correct?

10 A. Yes.

11 Q. And -- and I think you told me that when you  
12 went to -- you left after two and a half years, went  
13 back to the Claiborne County jail. Because of the  
14 training that you had gotten at Campbell County, you  
15 were made a sergeant in Claiborne County?

16 A. Yes.

17 Q. And so you were supervising other individuals?

18 A. Yes, sir.

19 Q. Back to corrections. That's a fairly tough  
20 job, isn't it?

21 A. Yeah, I don't plan on going back.

22 Q. Yeah.

23 I mean, it's -- in distribution, you're passing  
24 out mail?

25 A. Yes.



1 Q. And in corrections, you're dealing with  
2 arrestees; correct?

3 A. Yes, sir.

4 Q. Sometimes they're combative?

5 A. Yes.

6 Q. Sometimes they don't do what you ask them to  
7 do?

8 A. No, they don't.

9 Q. Sometimes they're under the influence; correct?

10 A. Yes.

11 Q. Sometimes they may have sustained injuries  
12 elsewhere; correct?

13 A. Yes.

14 Q. Sometimes they assault correction officers;  
15 correct?

16 A. Yes.

17 Q. They just simply don't want to be there;  
18 correct?

19 A. Yes.

20 Q. I certainly don't want to play the video, but I  
21 can't remember. In your deposition, did Mr. Seaton play  
22 the video for you?

23 A. I don't believe so.

24 Q. Okay. And your involvement -- you weren't --  
25 you weren't in the sally port where Justin Crabtree

1 pulled Mr. Ling from the vehicle; correct?

2 A. No, sir.

3 Q. And your first involvement with Mr. Ling was in  
4 the search trap; correct?

5 A. Yes, sir.

6 Q. Mr. Justin Crabtree brought Mr. Ling into the  
7 search trap; correct?

8 A. Yes, sir.

9 Q. And did you -- Justin Crabtree had a handle on  
10 him; correct? Had him physically?

11 A. Yes.

12 Q. And pushed, slammed, however you want to call  
13 it, Mr. Ling up against the counter; correct?

14 A. Yes. Yes.

15 Q. And then he went to the ground; correct?

16 A. Yes.

17 Q. And it took several individuals simply to hold  
18 Mr. Ling in place; correct?

19 A. Yes, sir.

20 Q. 'Cause he didn't want to go anywhere, did he?

21 A. No, sir.

22 Q. He was moving around; is that correct?

23 A. Yes.

24 Q. And whatever his subjective intent was, you  
25 couldn't read his mind; correct?

1 A. No, sir.

2 Q. You just had to assume that the movement meant  
3 that he wasn't -- you would have left him alone if he'd  
4 have stayed still; is that correct?

5 A. Yes, sir.

6 Q. But you held his feet; correct?

7 A. Yes, sir.

8 Q. Which indicates to me that his feet were  
9 moving; correct?

10 A. Yes, sir.

11 Q. Whether they were kicking, moving, they weren't  
12 doing what you wanted, what needed to happen; correct?

13 A. Yes, sir.

14 Q. Other than being told that you had a combative  
15 coming in, do you know anything that had happened out at  
16 the arrest scene with Mr. Ling?

17 A. No, sir.

18 Q. Didn't know anything about Mr. Ling, how strong  
19 he was, what he had taken, if he was injured, what he  
20 had said to the officers, what he'd done to ambulance  
21 personnel, anything? You didn't know any of that, did  
22 you?

23 A. No, sir.

24 Q. So when you saw Mr. Ling, you would just say  
25 that is the combative that they were telling us about

1 coming into our facility; correct?

2 A. Yes, sir.

3 Q. And that's something that you needed to get  
4 control of; correct?

5 A. Yes, sir.

6 Q. Thank you.

7 THE COURT: Any redirect?

8 MR. SEATON: Yes, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. SEATON:

11 Q. So I want to talk about your training just a  
12 minute, you know. And I know this has been a long time  
13 ago. And I think your deposition was -- let me look --  
14 was July 26 of 2022. But you said to me when I first  
15 asked you questions that you had only been there a  
16 couple of months?

17 A. Yes, I had been there just -- I think just shy  
18 of a month or just over a month.

19 Q. So you hadn't had an opportunity to go to TCI,  
20 had you?

21 A. No, sir.

22 Q. Okay. You didn't have that training on June --  
23 June the 1st?

24 A. No, sir.

25 Q. All right, sir. And as a matter of fact, when

1 you first went to Campbell County, Mallory Campbell did  
2 a four-day training?

3 A. Yes, sir.

4 Q. And that's all the training you had?

5 A. Yes.

6 Q. Right?

7 And you had no training on how to do the job.  
8 That's what you told me?

9 A. I feel like I had minimal training to know what  
10 I was getting into.

11 Q. Okay. You had no training on use of force?

12 A. No, sir.

13 Q. You had no training on dealing with a combative  
14 individual?

15 A. No, sir.

16 Q. You had minimal training on an inmate's medical  
17 needs?

18 A. Yes, sir.

19 Q. All right. And you had no training in the  
20 event an officer was abusing another inmate to  
21 intervene; right?

22 A. No, sir.

23 Q. All right. Thank you so much.

24 RECROSS-EXAMINATION

25 BY MR. KNIGHT:

1 Q. But you had the presence of mind to check on  
2 Mr. Ling; correct?

3 A. Yes.

4 Q. 'Cause -- to check on his medical condition;  
5 correct?

6 A. Yes, sir.

7 Q. And you also had the presence of mind to take  
8 the matter up with your sergeant; correct?

9 A. Yes, sir.

10 Q. And she said she would get back to you;  
11 correct?

12 A. Yes, sir.

13 Q. And Brown was leaving shift, and Corporal Boyer  
14 was coming on shift; correct?

15 A. Yes.

16 Q. You were likewise leaving shift also; correct?

17 A. Yes, sir.

18 Q. You were working the night shift, and the day  
19 shift was coming on?

20 A. Yes.

21 Q. Correct?

22 And did you come to find out that -- that  
23 Corporal Boyer had ensured that the -- and another  
24 officer had ensured that Mr. Ling was, in fact, examined  
25 by the nurse?

1 A. Yes.

2 Q. And that they did take Mr. Ling to the  
3 hospital -- LaFollette Hospital and then later to UT?

4 A. Yes, sir.

5 Q. As far as training, you felt like you could go  
6 to work at a jail; correct? I mean, you had been at  
7 Claiborne County?

8 A. Yeah.

9 Q. And you knew how to book individuals; correct?

10 A. Yes, sir.

11 Q. You knew that you were supposed to check  
12 individuals; correct?

13 A. Yes, sir.

14 Q. And you were -- you were supposed to inform  
15 whoever you needed to, and that just may be you taking  
16 it upon yourself if you thought an inmate needed some  
17 sort of medical care; correct?

18 A. Yes, sir.

19 Q. Oh, one other question. Mr. Seaton asked you  
20 if Sean Brown asked you to change your report and you  
21 felt it was inappropriate. Are you telling this jury  
22 that you falsified the report -- any report concerning  
23 Nathan Ling?

24 A. No, sir. It -- it wasn't falsified, but it --  
25 it was up to Brown's standards.

1 Q. Okay. And that could have been grammar?

2 A. Yes, sir.

3 Q. And it could have been the way the form was  
4 filled out; correct?

5 A. Yes.

6 Q. Thank you.

7 THE COURT: All right. Thank you, sir.

8 THE WITNESS: You're welcome.

9 MR. SEATON: Plaintiff rests.

10 THE COURT: Sorry. Mr. Seaton, you said  
11 plaintiff rests his case?

12 MR. SEATON: Yes, Your Honor.

13 THE COURT: All right. Ladies and gentlemen,  
14 the plaintiff has rested his case. We are going to take  
15 just a minute and do a couple of things. I'm going to  
16 ask you to step out and -- but we won't be long.

17 Thank you.

18 (Subsequent proceedings were heard but  
19 not requested to be transcribed herein.)

20 THE COURT: Thank you. Please be seated.

21 All right. Ladies and gentlemen, plaintiff has  
22 rested his case.

23 Mr. Knight, do you have any witnesses?

24 MR. KNIGHT: Call Mr. Beehan, please.

25 THE COURT: All right.